

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

LETTERS PATENT APPEAL NO.226 OF 2006
AGAINST
WRIT PETITION NO.4999 OF 2006

Shri.Namdeo Dada Pisal ...Appellant.

Vs.

The State of Maharashtra
and 3 Ors. ...Respondents.

Mr.R.S.Apte, Advocate for the Appellant.

Mr.Vanarse, AGP, for the State.

CORAM : SMT.RANJANA DESAI AND
SMT.V.K.TAHILRAMANI, JJ.

DATED : OCTOBER 17, 2006.

P.C. :-

1. We have heard Mr.Apte learned counsel for the appellant. The learned Single Judge has confirmed the order dated 22.6.2006 passed by the Civil Judge, Senior Division, Malshiras, whereby the applicants in application Exh.11 & Exh.20 were allowed to participate in the proceedings. They were added as party defendants.

2. The learned Single Judge in his order dated 28.8.2006 has observed as follows :

"Order 1 Rule 10 of the Code of
Civil Procedure enables the Court to

add any person as a party at any stage of the proceedings if such person's presence before the Court is necessary in order to enable the court to effectively and completely adjudicate upon and settle all the questions involved in the suit. Avoidance of multiplicity of the proceedings is also one of the objects in the said provisions."

3. We concur with this view expressed by the learned Single Judge. There is no infirmity in it.

4. Mr.Apte contended that rights of present respondents 2, 3 & 4 were concluded in the year, 1967 and therefore, there is no reason to implead them as party defendants in the suit.

5. All these questions can be decided at the final hearing of the proceedings. Hence, in our opinion, no interference is called for. Letters patent appeal is dismissed. All contentions of parties are kept open.

[SMT.RANJANA DESAI, J.]

[SMT.V.K.TAHILRAMANI, J.]